

**FILED**

NOV 20 2019

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMACARMELITA REEDER SHINN, CLERK  
U.S. DIST. COURT, WESTERN DIST. OKLA.  
BY KMT DEPUTYEIGRET L. BURROEX

(Enter the full name of the plaintiff.)

CIV-19-1089-HE

v.

Case No. C19-10-119-D

(Court Clerk will insert case number)

- (1) PHILIP SMITH ET AL
- (2) BOARD OF COUNTY COMMISSIONERS
- (3) PHARIN PHY

(Enter the full name of each defendant. Attach additional sheets as necessary.)

**PRO SE PRISONER CIVIL RIGHTS COMPLAINT****Initial Instructions**

1. You must type or legibly handwrite the Complaint, and you must answer all questions concisely and in the proper space. Where more space is needed to answer any question, you may attach a separate sheet.
2. You must provide a full name for each defendant and describe where that defendant resides or can be located.
3. You must send the original complaint and one copy to the Clerk of the District Court.
4. You must pay an initial fee of \$400 (including a \$350 filing fee and a \$50 administrative fee). The complaint will not be considered filed until the Clerk receives the \$400 fee or you are granted permission to proceed *in forma pauperis*.
5. If you cannot prepay the \$400 fee, you may request permission to proceed *in forma pauperis* in accordance with the procedures set forth in the Court's form application to proceed *in forma pauperis*. See 28 U.S.C. § 1915; Local Civil Rule 3.3.

- If the court grants your request, the \$50 administrative fee will not be assessed and your total filing fee will be \$350.
- You will be required to make an initial partial payment, which the court will calculate, and then prison officials will deduct the remaining balance from your prison accounts over time.
- These deductions will be made until the entire \$350 filing fee is paid, regardless of how the court decides your case.

7. The Court will review your complaint before deciding whether to authorize service of process on the defendants. See 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c)(1). If the Court grants such permission, the Clerk will send you the necessary instructions and forms.

8. If you have been granted permission to proceed *in forma pauperis*, the United States Marshals Service will be authorized to serve the defendants based on information you provide. If you have not been granted permission to proceed *in forma pauperis*, you will be responsible for service of a separate summons and copy of the complaint on each defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.

## COMPLAINT

### I. Jurisdiction is asserted pursuant to:

42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (NOTE: these provisions generally apply to state prisoners), or

*Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (NOTE: these provisions generally apply to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

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**II. State whether you are a:**

- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Pretrial detainee
- Immigration detainee
- Civilly committed detainee
- Other (please explain) 22-979A COST OF INCARCERATION FEES

**III. Previous Federal Civil Actions or Appeals**

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 1

a. Parties to previous lawsuit:

Plaintiff(s): EIGRET L. BURDICK

Defendant(s): J GERLACH

b. Court and docket number: \_\_\_\_\_

c. Approximate date of filing: 10-24-2019

d. Issues raised: EXCESSIVE FINES

deliberATE indifference

IN MEDICAL AND DISPLINARY PROCEDURES

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): \_\_\_\_\_

?

I don't know what's going on

f. Approximate date of disposition: \_\_\_\_\_

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

**IV. Parties to Current Lawsuit**

State information about yourself and each person or company listed as a defendant in the caption (the heading) of this complaint.

1. Plaintiff

Name and any aliases: EIGRET L. BURdex

Address: 215 N 3RD St. CHICKASHAOK 73018

Inmate No.: ReFiling THIS

2. Defendant No. 1

Name and official position: Philip Smith

Place of employment and/or residence: CADDY COUNTY JAIL

How is this person sued? () official capacity, () individual capacity, () both

3. Defendant No. 2

Name and official position: WARDEN OR Administrator

Place of employment and/or residence: CADDY COUNTY JAIL

How is this person sued? () official capacity, () individual capacity, () both

If there are more than two defendants, describe the additional defendants using this same format on a separate sheet(s).

V. Cause of Action

Instructions

1. *Provide a short and plain statement of each claim.*
  - Describe the facts that are the basis for your claim.
  - You can generally only sue defendants who were directly involved in harming you. Describe how each defendant violated your rights, giving dates and places.
  - Explain how you were hurt and the extent of your injuries.
2. *You are not required to cite case law.*
  - Describe the constitutional or statutory rights you believe the defendant(s) violated.
  - At this stage in the proceedings, you do not need to cite or discuss any case law.
3. *You are not required to attach exhibits.*
  - If you do attach exhibits, you should refer to the exhibits in the statement of your claim and explain why you included them.
4. *Be aware of the requirement that you exhaust prison grievance procedures before filing your lawsuit.*
  - If the evidence shows that you did not fully comply with an available prison grievance process prior to filing this lawsuit, the court may dismiss the unexhausted claim(s) or grant judgment against you. See 42 U.S.C. § 1997e(a).
  - Every claim you raise must be exhausted in the appropriate manner.
5. *Be aware of any statute of limitations.*
  - If you are suing about events that happened in the past, your case may be subject to dismissal under the statute of limitations. For example, for many civil rights claims, an action must be brought within two years from the date when the plaintiff knew or had reason to know of the injury that is the basis for the claim.

6. Do not include claims relating to your criminal conviction or to prison disciplinary proceedings that resulted in loss of good time credits.
- If a ruling in your favor “would necessarily imply the invalidity” of a criminal conviction or prison disciplinary punishment affecting the time served, then you cannot make these claims in a civil rights complaint unless you have already had the conviction or prison disciplinary proceeding invalidated, for example through a habeas proceeding.

Claims

List the federal right(s) that you believe have been violated, and describe what happened. Each alleged violation of a federal right should be listed separately as its own claim.

1. Claim 1:

- (1) List the right that you believe was violated:

DELIBERATE indifference TOWARDS MY  
CHRONIC ILLNESSES WHICH RESULTED IN MY  
debilitating STROKE MAY 2, 2011

- (2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Philip Smith, PHARYNPHY  
DR. Belt  
ANDO COUNTY COMMISSIONERS ET AL

- (3) List the supporting facts:

I put in over 56 Requests/Grievances  
to SEE A Doctor. It took over 6 months  
to see DR. BELL who NEVER took ANY  
vitals OR TOUCHED ME

- (4) Relief requested: (State briefly exactly what you want the court to do for you.)

5 MILLION DOLLARS

COMPENSATORY AND PUNITIVE DAMAGES

2. Claim II:

- (1) List the right that you believe was violated:

CRUEL AND UNUSUAL PUNISHMENT  
RECEIVED LIFE SENTENCE AS  
RETALIATION PROSECUTORIAL MISCONDUCT

2010

- (2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

(3) List the supporting facts:

I WAS ALREADY IN 2010

THERE WAS SO MANY VIOLATIONS THAT  
ARE IN THE RECORDS AND COURT  
DOCUMENTS. I CAN HARDLY WRITE RIGHT KNBED

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

I WANT A JURY TRIAL AND  
SUMMARY JUDGMENT SO THIS  
MATTER CAN CLOSE A STAY  
ON 22-979 HUNTING I CAN PAY

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).

#### VI. Declarations

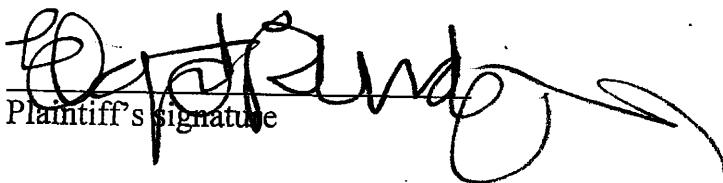
I declare under penalty of perjury that the foregoing is true and correct.

  
Plaintiff's signature

11-18-19

Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 18 day of  
NOV, 2019.

  
Plaintiff's signature

11-18-19

Date